

obtain an Attorney Control Number for use in direct mailing. *See* ECF No. 38, ¶¶ 5-6. Although a correct statement of counsel's employment status, that status alone does not provide a basis for reconsideration because the DOC control number policy only applies to privileged communication. Communication from defense counsel to DeFranco is not privileged. Indeed, this Court has specifically held that "[c]orrespondence from defense counsel is not privileged and therefore, does not fall within the guidelines of the DOC policy relating to the handling of mail from an attorney to an inmate who he or she is representing." *McLaughlin v. Zavada*, 2019 WL 5697347, at *3 (W.D. Pa. Nov. 4, 2019). Thus, DeFranco's motion for reconsideration is **DENIED** as he has failed to allege an intervening change in the law, the availability of new evidence, or a clear error of law. *See Max's Seafood Café v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999).

However, the Court notes DeFranco's statement that he "has sent Defense counsel 4 requests for the production of documents, 2 sets of interrogatories for Defendant Flinchbaugh and one set for every other defendant" but has not received anything in response as of March 12, 2022. Given this, the Court now **ORDERS** Counsel for the Defendants to update the Court via a written status report on the progress made toward satisfying these discovery requests. The written status report is to be filed within ten days of the date of this order and served on the Plaintiff.

So ordered this 17th day of March, 2022.

BY THE COURT:



RICHARD A. LANZILLO
UNITED STATES MAGISTRATE JUDGE